

Message Text

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TO AMCONSUL MUNICH PRIORITY
INFO AMEMBASSY BONN PRIORITY

C O N F I D E N T I A L STATE 285504

E.O. 11652: GDS

TAGS: SOPN, PINS, GW, PL

SUBJECT: RFE 'USG RELATIONSHIP

REF: MUNICH 2793

1. RFE, WITH BIB AND DEPT CONCURRENCE, HAS AGAIN REVISED
TEXT OF LETTER TO TAKE INTO ACCOUNT NEW DEVELOPMENTS AND
RECOMMENDATIONS REPORTED REFTEL. UNLESS FURTHER PROBLEMS
ARE PERCEIVED, MOELLER MAY DELIVER LETTER TO PUBLIC
PROSECUTOR'S OFFICE. REVISED TEXT FOLLOWS:

2. QUOTE

I REFER TO OUR SEVERAL CONVERSATIONS CONCERNING THE ABOVE-
MENTIONED CASE. IT IS MY UNDERSTANDING THAT THE PURPOSE
OF YOUR INQUIRY IS TO DETERMINE WHETHER THE UNITED STATES
GOVERNMENT HAS AN INTEREST IN THE FORMER AMERICAN CORPORA-
TION, FREE EUROPE, INC., OR ITS LEGAL SUCCESSOR, RFE/RL,
INC., WHICH OPERATES THE BROADCASTING STATION, RADIO FREE
EUROPE; AS RELEVANT TO THIS DETERMINATION, YOU DESIRE TO
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KNOW (I) THE CORPORATE LEGAL STATUS OF THE RADIO STATION;

(II) THE ORIGIN OF ITS FUNDS; AND (III) THE MANNER IN WHICH

THESE FUNDS ARE AUDITED. IN MY ROLE AS LEGAL REPRESENTATIVE OF RFE/RL, INC., AND ITS PREDECESSOR, MAY I INFORM YOU OF THE FOLLOWING:

FREE EUROPE, INC., WAS INCORPORATED UNDER THE PRIVATE, NOT-FOR-PROFIT CORPORATION LAWS OF THE STATE OF NEW YORK. IT WAS INCORPORATED ON MAY 11, 1949, UNDER THE NAME "THE COMMITTEE FOR FREE EUROPE, INC." ITS NAME WAS CHANGED SEVERAL TIMES. A CERTIFIED COPY OF ITS CORPORATE CHARTER, ISSUED MAY 11, 1949, WITH AMENDMENTS THERETO, TRANSLATED INTO GERMAN, IS ENCLOSED. THE CORPORATION, FREE EUROPE, INC., OPERATED THE BROADCASTING STATION, RADIO FREE EUROPE, AS A SUBDIVISION WHICH WAS NOT AN INDEPENDENT LEGAL ENTITY.

THE LEGAL COMPETENCE OF THE FORMER COMMITTEE FOR A FREE EUROPE, INC., IN ACCORDANCE WITH ARTICLE 10 OF THE IMPORTATION LAW, CIVIL CODE, HAS BEEN RECOGNIZED BY ORDER OF THE FEDERAL MINISTRY OF INTERNAL AFFAIRS, DATED JULY 24, 1953. A CERTIFIED COPY OF THIS DOCUMENT IS ENCLOSED. THIS RECOGNITION HAS NEVER BEEN REVOKED. SINCE THE RESCISSION OF ARTICLE 10 BY THE ASSOCIATION ACT OF AUGUST 5, 1964, AN EXPLICIT RECOGNITION IS NO LONGER REQUIRED. THE RADIOS' INSTALLATIONS IN THE FEDERAL REPUBLIC ARE OPERATED ON THE BASIS OF A RADIO TRANSMISSION LICENSE OF THE FEDERAL MINISTRY FOR POST AND TELE-COMMUNICATIONS, DATED JULY 11, 1955. A CERTIFIED PHOTOSTAT COPY OF THIS LICENSE IS ENCLOSED.

EFFECTIVE OCTOBER 1, 1976, THE AMERICAN CORPORATION, RFE/RL, INC., HAS BECOME, BY MEANS OF A MERGER EFFECTED PURSUANT TO THE APPLICABLE LAWS OF THE STATES OF NEW YORK AND OF DELAWARE, THE LEGAL SUCCESSOR OF RADIO LIBERTY COMMITTEE, INC., AND FREE EUROPE, INC. RFE/RL, INC., CONSTITUTES A CORPORATION EXISTING AND IN GOOD STANDING PURSUANT TO THE GENERAL CORPORATION LAWS OF THE STATE OF DELAWARE. A COPY OF THE PLAN OF MERGER AND ARTICLES OF INCORPORATION OF RFE/RL, INC., ARE EN-CONFIDENTIAL

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CLOSED. IT CONTINUES TO OPERATE THE BROADCASTING STATION RADIO FREE EUROPE AS A SUBDIVISION WHICH IS NOT AN INDEPENDENT LEGAL ENTITY.

RFE/RL, INC., AND ITS PREDECESSOR, FREE EUROPE, INC., RECEIVE ITS FINANCIAL MEANS ALMOST EXCLUSIVELY THROUGH GRANTS FROM THE BOARD FOR INTERNATIONAL BROADCASTING. THIS ADMINISTRATIVE ORGAN WAS CREATED BY STATUTE ENACTED

BY THE CONGRESS OF THE UNITED STATES IN 1973. SUCH EN-
ACTMENT, INTER ALIA, AUTHORIZES THE BOARD FOR INTER-
NATIONAL BROADCASTING TO GRANT RFE/RL, INC., AND ITS

PREDECESSOR THE NECESSARY OPERATING FUNDS, WITHIN THE
SCOPE OF FUNDS WHICH THE CONGRESS APPROPRIATES TO THE
BOARD FOR INTERNATIONAL BROADCASTING ANNUALLY AS A PART OF
THE BUDGET OF THE UNITED STATES. AUDIT OF THE FUNDS EX-
PENDED BY RFE/RL, INC., IS ALSO CARRIED OUT UNDER THE
SUPERVISION OF THE BOARD FOR INTERNATIONAL BROADCASTING,
UNDER THIS STATUTE. A COPY OF THE ACT, AS AMENDED, IS
ENCLOSED.

(COMPLIMENTARY CLOSING) END QUOTE. KISSINGER

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